

### **REMARKS**

Claims 1-18 were previously cancelled; claim 20 is cancelled herein; claim 19 is amended; and claims 19 and 21-38 are pending in the application.

The pending claims stand rejected as being unpatentable over Yamahara in view of Cheng. Applicant requests reconsideration of such rejections.

Referring first to claim 19, such claim is amended to incorporate the subject matter of previous claim 20 therein. As amended, claim 19 recites a method of forming a semiconductor construction comprising formation of first layer containing silicon and nitrogen over a substrate, formation of a second layer comprising at least 50 weight% carbon over and physically against the first layer, and formation of a third layer consisting essentially of a photoresist system over and physically against the second layer. The amended claim further recites exposure of the photoresist system to patterned light and subsequent heating of the photoresist system, with the second layer releasing acid into the photoresist system during the heating. The claim further recites the photoresist system is exposed to a developing solvent after the heating.

Amended claim 19 is allowable over the Examiner's cited references for at least the reason that the references do not suggest or disclose the claim 19 recited utilization of a layer comprising at least 50 weight% carbon (the recited second layer) to release acid into a photoresist system during heating of the system. The Examiner recognizes that Yamahara does not disclose the claim 19 recited layer comprising at least 50 weight% carbon. However, in rejecting claim 20, the Examiner contended that Cheng discloses a layer analogous to applicant's "second layer", with Cheng's layer comprising a polyacrylate or a polyhydroxystyrene, which the Examiner contends are compounds that "depending on the composition" may release acid during heating. Applicant respectfully submits that

regardless of whether polyacrylates and polyhydroxystyrenes can be formulated to release acids during heating, such concept is not disclosed or suggested by Cheng.

The Examiner is reminded that under MPEP § 706.02(j) a proper § 103 rejection requires that the cited references teach or suggest all of the claim limitations, and further that there must be suggestion or motivation in the prior art for modifying the references to arrive at claimed subject matter. In the present case, the Examiner's cited references do not suggest or disclose utilization of a layer comprising at least 50 weight% carbon to release acid into a photoresist system during heating of the photoresist system. The Examiner may be correct that polyacrylates and polyhydroxystyrenes taught in Cheng can be modified to release acid during heating of such compounds, but such modification is not suggested by Cheng, or the combination of Cheng with the Examiner's other cited reference of Yamahara. As a suggestion to utilize a layer comprising at least 50 weight% carbon to release acid into a photoresist system during heating is not found in the Examiner's cited references, but rather is only found in applicant's specification, it appears that the Examiner's motivation for modification of Cheng to accomplish such recited aspect of claim 19 is based on hindsight reconstruction from applicant's disclosure rather than any teaching of the prior art. The Examiner is reminded that under MPEP § 706.02(j) the teaching to modify a reference cannot be based on applicant's disclosure, but must instead be found in the prior art.

For the above-discussed reasons, claim 19 is not obvious over the Examiner's cited references. Claim 19 is therefore allowable over the cited references, and accordingly applicant requests such allowance in the Examiner's next action.

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Claims 21-28 depend from claim 19, and are therefore allowable for at least the reasons discussed above regarding claim 19, as well as for their own recited features which are neither shown nor suggested by the prior art.

Referring next to claim 29, such claim, like the above-discussed claim 19, recites a method in which a layer comprising at least 50 weight% carbon is utilized to release acid into a photoresist system. Claim 29 is therefore allowable for reasons similar to those discussed above regarding claim 19, and accordingly applicant requests formal allowance of claim 29 in the Examiner's next action.

Claims 30-38 depend from claim 29, and are therefore allowable for at least the reasons discussed above regarding claim 29.

Claims 19 and 21-38 are allowable for the reasons discussed above, and applicant therefore requests formal allowance of such claims in the Examiner's next action.

OFFICIAL

Respectfully submitted,

Dated: 8/19/03By: David G. Latwesen, Ph.D.  
Reg. No. 38,533